Appl. No. 10/659,554
Amdt. dated December 22, 2008
Reply to Final Office Action of October 27, 2008

AFTER FINAL - EXPEDITED PROCEDURE

REMARKS

Claims 30 to 51, 53, and 57 were pending in the application at the time of examination. Claims 30 to 51, 53, and 57 stand rejected as anticipated.

Claims 30 to 51, 53, and 57 remain rejected under 35 U.S.C. § 102(b) as being anticipated by WIPO Patent Publication No. WO 98/32073, hereinafter referred to as Bischof.

Applicants respectfully traverse the anticipation rejection of each of Claims 30, 43, 47, 51, 53, and 57. Yet again, the requirements for an anticipation rejection as stated in the MPEP have not been followed. The rejection mixes and matches different parts of the description by Bischof, which is inappropriate in an obviousness rejection and so cannot form the basis for an anticipation rejection.

The MPEP's summary of the court decisions on anticipation indicates that at least two showings are mandatory for an anticipation rejection, i.e.,

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

. . . ."The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

MPEP § 2131, 8 Ed., Rev. 6, p. 2100-67 (Sept. 2007). The rejection fails to comply with these requirements.

The rejection stated:

Additionally, as per newly introduced limitations a particular entity (e.g. as disclosed in Fig. 1)

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implementing Bishof's [Sic] security mechanism to protect its resources equates to a small footprint device.

Paper dated 10/27/2008 at Pg. 3.

Thus, the rejection equates an entity to a specific physical device, a small footprint device, as recited in these claims. This is error and ignores the specific definition of an entity according to Bischof. Bischof defined:

> *Entities* are considered as objects or referenced classes, ... (Emphasis in original)

Bischof, pg. 7, lines 11, 12.

Bischof also defined an object as:

> *Objects* encapsulate data and provide methods . . .Objects are created dynamically, that is, they are instantiated. (Emphasis in original)

Bischof, pg. 7, lines 7 to 9. Thus, an entity, which is an object, is not a physical device such as a small footprint device including at least one processing element, a memory, and the other features recited in these claims.

Similarly, Bischof defined a class as:

> *Classes* are definitions for objects and are static. (Emphasis in original)

Bischof, pg. 7, lines 10. Thus, an entity, which is a referenced class, is not a physical device such as a small footprint device including at least one processing element, a memory, and the other features recited in these claims.

The interpretation of an entity in Fig. 1 as a physical device having the features of the physical device recited in these claims is clear error and a mischaracterization of the teachings of Bischof. The description cannot support an inherency rejection. The MPEP directs:

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Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

MPEP § 2112 IV., 8 Ed., Rev. 6, p. 2100-47 (Sept. 2007).

Bischof even failed to acknowledge a runtime environment suitable for use on a small footprint device. The reason is that Bischof is concerned with accessing resources over a distributed network, such as the Internet, and the rejection has failed to cite any teaching in Bischof of any need or desire to access a resource on a small footprint device. (See Bischof, Abstract.) Accordingly, there is not even a fact that a certain thing may result from the definition of an entity to support any conclusion about a small footprint device. Consequently, Bischof fails to even suggest such a small footprint device.

The incorrect characterization of a small footprint device alone is sufficient to overcome the anticipation rejection because it demonstrates that Bischof failed to describe the invention in the same level of detail and failed to describe the elements arranged as recited in these claims.

Next, the rejection confuses the express relationship of the elements recited in these claims and mischaracterizes Bischof. For example, the rejection stated:

> Also, a gate in a java sandbox equates to an entry points object for direct access to information (see pg. 5 lines 26-27). Note, that the sandbox is "a playground to which Java applets are confined and applets execution environment is delineated by borders with defined gates (entry and exit points)". Thus, a gate taught by Bishof [Sic], permits direct access to information from one program module of at least two program modules, in one of separate context, by another program module of said at least two program modules, in another of said separate context, across context barrier.

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Paper dated 10/27/2008 at Pgs. 3 and 4.

The rejection makes characterizations and generalizations that are not supported by any citation to Bischof and which are not supported by pg. 5, lines 26 to 27 of Bischof, which stated:

> A *sandbox* is a playground to which Java applets are confined. It is an execution environment delineated by borders with defined entry and exit points (gates), see below.

Thus, the gates are entry points into an execution environment according to Bischof. Bischof stated "In order to access something outside the sandbox, an applet must pass through a corresponding gate." Bischof at 5, lines 33 to 35. Thus, the communication controlled by the gate is into and out of an execution environment. Thus, the entry points and exit points delineate borders of the execution environment for the sandbox and are used for communications in and out of that execution environment. The rejection has failed to show any teaching that the entry points do anything other than provide entry and exit from an execution environment referred to as a sandbox by Bischof.

Moreover, the sandbox execution environment is not a context barrier as interpreted in the rejection. Rather, the context barrier has been defined as a guard object, i.e., "Bischof discloses the creation and use of guard objects (context barriers)". Paper dated 10/27/2008 at Pg. 3.

For example, these claims recite:

> using said entry point object to permit direct access to information from one program module of said at least two program modules, in one of said separate contexts, by an other program module of said at least two program modules, in another of said separate contexts, across said context barrier.

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Thus, the entry point object in these claims permits direct access to information . . . across the context barrier. To demonstrate that Bischof satisfies the requirements of the MPEP, the rejection must show that a gate to the sandbox, which the rejection identified as the entry point object, allows direct access to an entity across the guard object.

However, the guard object is associated with a destination entity according to Bischof. See Bischof, pg. 11, lines 6 and 8. Access into and out of the sandbox as described by Bischof fails to teach bypassing the guard object for a destination entity. Specifically, the rejection has cited no teaching in Bischof that a gate to an execution environment can bypass a guard object by allowing access directly through that guard object. Such a teaching is required to demonstrate that Bischof teaches the invention in the same level of detail as recited in these claims.

Accordingly, the rejection not only mischaracterizes both the claim language and Bischof, the rejection failed to show that Bischof teaches the same elements arranged as required by the express claim language. This is further evidence that a prima facie anticipation rejection has not been made.

Thus, each of Claims 30, 43, 47, 51, 53, and 57 distinguish over Bischof for multiple reasons. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 30, 43, 47, 51, 53, and 57.

Claims 31 to 42 depend from Claim 30 and so distinguish over Bischof for at least the same reasons as Claim 30. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 31 to 42.

Claims 44 to 46 depend from Claim 30 and so distinguish over Bischof for at least the same reasons as Claim 43.

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Applicants respectfully request reconsideration and withdrawal
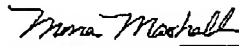of the anticipation rejection of each of Claims 44 to 46.

Claims 48 to 50 depend from Claim 30 and so distinguish
over Bischof for at least the same reasons as Claim 47.
Applicants respectfully request reconsideration and withdrawal
of the anticipation rejection of each of Claims 48 to 50.

Claims 30 to 51, 53', and 57 remain in the application.
Claims 1 to 29, 52 and 54 to 56 were canceled previously. For
the foregoing reasons, Applicant(s) respectfully request.
allowance of all pending claims. If the Examiner has any
questions relating to the above, the Examiner is respectfully
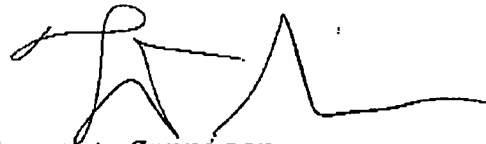requested to telephone the undersigned Attorney for
Applicant(s).

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Mona Marshall   December 22, 2008
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Respectfully submitted,

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